



THE CITY OF NEW YORK
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October 3, 2023

VIA ECF

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl St.
New York, N.Y. 10007

Re: Madeline Feliciano, guardian of Nicholas Feliciano v. The City of New York, et. al., 20 Civ. 10033 (MKV)

Your Honor:

I am a Senior Counsel in the office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendants City of New York and Mark Peralta in the above-referenced matter. We write with the consent of all parties to respectfully request that the stay of all proceedings which is presently in effect in this case through October 11, 2023 (see Docket 143), be extended through November 29, 2023.

The reason for the request is twofold. First, as the Court is aware, there are parallel criminal investigations ongoing in connection with the underlying suicide attempt which gives rise to this civil rights action. Thus, this Court has the discretion to stay a civil case in the interest of justice. See United States v. Kordel, 397 U.S. 1, 12 n.27 (1970) ("Federal courts have deferred civil proceedings pending the completion of parallel criminal prosecutions when the interests of justice seemed to require such action,....").¹ Defendants respectfully request the continued stay due to the pending and parallel criminal investigations.

¹ Plaintiffs' counsel have previously indicated that they do not agree that a stay is required by law, but consent to a stay in any event.

Second, the parties participated in a second in person settlement conference before Magistrate Judge Cott on September 20, 2023.² The parties are continuing to work with Magistrate Judge Cott in attempting to reach a settlement after the last settlement conference, and Magistrate Judge Cott has set up a process that will run through November 8, 2023 in an attempt to reach a settlement. The parties would like to let this process run its course before returning to active litigation, if necessary.

The request includes, as with the prior requests for a stay of all proceedings in this case, that the Court continue to adjourn the time for defendants to respond to the complaint to a date to be determined in the future.

This is the nineteenth request for the stay to be extended.

Thank you for your consideration herein.

Respectfully submitted,

/s/ Mark D. Zuckerman

Mark D. Zuckerman
Senior Counsel

cc: All Counsel (via ECF)

Granted
SO ORDERED
LEWIS A. KAPLAN, USDSJ

² The first full day settlement conference was held before Magistrate Judge Cott on May 4, 2023.